

### Amendment

The following provides a list of pending and cancelled claims:

1. cancelled
2. (original) A smart film or material comprising a layer, a surface of which has discrete areas which have fluid absorption properties different to the rest of the layer wherein the discrete areas and the layer which they cover are cut so as to provide a plurality of close fitting flaps through the film or material such that any strain difference between the discrete areas and the layer which they cover, caused by their different fluid absorption properties, will cause the flaps to bend thus providing an opening in the layer.
3. (previously presented) A smart film or material according to claim 2 configured so as to be suitable for use in clothing.
4. (previously presented) A smart film or material according to claim 2 wherein the discrete areas are produced by attaching a material having different fluid absorption properties to the surface of the layer.
5. (previously presented) A smart film or material according to claim 2 wherein the discrete areas are areas of the layer which have been plasma treated or treated with chemicals or radiation so as to modify their fluid absorption properties.
6. (previously presented) A smart film or material according to claim 2 wherein the discrete areas are provided by a printing process.

7. (previously presented) A smart film or material according to claim 2 wherein the discrete areas are provided by an etching process.

8. (previously presented) A smart film or material according to claim 2 wherein the discrete areas and the layer which they cover or all the layers are cut using a laser or a punch.

9. cancelled

10. (previously presented) A smart film or material according to claim 2 wherein at least some of the discrete areas are individually surrounded by a further discrete area which has fluid absorption properties different to the rest of the layer, the further discrete area being disposed from the discrete area which it surrounds.

11. (original) A smart film or material according to claim 10 wherein at least one of the further discrete areas is provided in the form of a hoop.

12. cancelled

13. (previously presented) A smart film or material according to claim 2 wherein the layer or one of the layers is permeable.

14. (previously presented) A smart film or material according to claim 2 which forms one element of a multi-element textile.

15. (previously presented) A smart film or material according to claim 2 wherein the layers have different hydrophilic properties to each other.

16. (previously presented) A smart film or material according to claim 2 wherein the layer and the discrete areas have different hydrophilic properties.

17.-23. cancelled

24. (currently amended) A smart film or material according to claim ~~1~~2 wherein the discrete areas and the layer which they cover or all the layers are cut so as to provide at least 3 close fitting flaps through the film or material.

25.-26. cancelled

27. (currently amended) A smart film or material according to claim ~~1~~2 wherein the layer or one of the layers is substantially impermeable.

28.-29. cancelled

## Response

### **A. Introduction**

Claims 1-16 and 18-29 were pending prior to entry of the preceding amendments, and claims 2-8, 10-11, 13-16, 24, and 27 are pending now. The Examiner has allowed claims 2-8, 10, 13-16, and 20 but initially rejected each of the remaining claims under either or both of 35 U.S.C. §§ 112 and 102(b), citing U.S. Patent No. 5,672,406 to Challis and European Patent Publication No. 0122085 of Webster. Without conceding the correctness of any of the Examiner's rejections,\* to expedite issuance of a patent Applicant has elected to cancel claims 1, 9, 12, 18-23, 25-26, and 28-29 without prejudice.\*\*

### **B. Claims 11, 24, and 27**

Applicant believes, however, that the Examiner rejected claim 11 in error, as that claim depends (indirectly) from allowed independent claim 2. Applicant additionally has amended claims 24 and 27 to depend from allowed claim 2. These claims hence should be allowable at least because they depend from an allowed claim.

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\*For example, while the Challis patent describes a material that changes with respect to temperature, see, e.g., col. 2, ll. 19-25, among features of the present invention is that the material or film is able to change shape with respect to changing humidity or moisture. The Challis patent, moreover, expressly states that "[t]he materials are preferably inert (especially dimensionally inert) to moisture, in particular do not swell when humid or wet, and may indeed be hydrophobic," see id., col. 3, ll. 17-20, whereas materials of the present invention may be hydrophilic to varying degrees and change shape with respect to moisture.

\*\*Applicant has cancelled allowed claim 20 solely because it duplicates claim 5.

**Conclusion**

Applicant requests that the Examiner allow claims 11, 24, and 27 and that a patent containing these and allowed claims 2-8, 10, and 13-16 issue in due course.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dean W. Russell".

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